

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

THEODORE B. SAVAGE,

Plaintiff,

v.

PATRICK O'MALLEY, et al.,

Defendants.

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3:16-CV-295  
(JUDGE MARIANI)

ORDER

AND NOW, THIS 12<sup>th</sup> DAY OF JANUARY, 2017, upon review of Magistrate Judge Mehalchick's Report & Recommendation, (Doc. 8), for clear error and manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The Report & Recommendation, (Doc. 8), is **ADOPTED**, for the reason stated therein.
2. Defendant's Motion to Dismiss for Failure to Prosecute, (Doc. 5), is **GRANTED**.
3. Plaintiff's Complaint, (Doc. 1), is **DISMISSED WITHOUT PREJUDICE**.
4. The Clerk of Court is directed to **CLOSE** this case.

  
Robert D. Mariani  
United States District Judge